

28-carton lot of protein with lecithin tablets, 403(a)—when shipped, the label statements "an important food in normalizing and maintaining body weight" and "every cell tissue and organ in the human body is essentially protein," were false and misleading, since they were contrary to fact.

146-carton lot of the articles, 403(a)—when shipped, the label bore false and misleading statements and representations, namely, the statements "vitamins and minerals," "L-lysine monohydrochloride * * * need in human nutrition has not been established," "Natural or Organic," and the representations that the ingredients sodium, chlorine, sulfur, potassium, magnesium, zinc, manganese, copper, unsaturated fatty acids from safflower and lecithin, wheat germ, biotin, choline, citrus bioflavonoids, hesperidin complex, inositol, l-lysine monohydrochloride, chlorophyll, bladderwrack, dulse, and Irish moss are present in significant amounts or are of special nutritional significance in the article for special dietary use; 403(a), the accompanying labeling contained false and misleading representations that all ingredients of the article were natural or organic and were balanced; that all the micronutrient food factors in the article were lacking in our modern diets; that the unsaturated fatty acids in the article were recognized as vitamin F; that the article with "Protein with Lecithin" represented an amazing, complete combination which makes other double-tablet supplements obsolete; that the article met the requirements of applicable Federal laws and regulations and was based on U.S. Government standards; that the article supplied all the essential elements for proper and complete nutrition; and that everyone needed a complete, balanced, natural and organic food supplement.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7207.

DISPOSITION: 4-25-62. Default—destruction.

28999. Special 10 with B₁₂ multivitamin capsules, and Geriatric Formula multivitamin capsules. (F.D.C. No. 44745. S. Nos. 8-480 R, 8-645 R.)

QUANTITY: 120 cases, 72 100-capsule btls. each, of Special 10 with B₁₂; and 629 30-capsule jars of Geriatric Formula, at Rochester, N.Y., in possession of East Vitamin Products.

SHIPPED: 5-31-60, from Newark, N.J., by Encapsulations, Inc.

LABEL IN PART: (Btl.) "100 Capsules East Multivitamins * * * Special 10 with B₁₂ * * * Distributed by East Vitamin Products Rochester 2, N.Y."; (jar) "30 Capsules East Multivitamins Geriatric Formula * * * Distributed by East Vitamin Products Rochester 2, N.J. Each capsule contains * * * Choline Bitartrate 31.4 mg., Inositol 15 mg., Potassium * * * 2 mg."

ACCOMPANYING LABELING: Leaflets entitled: "East-Multi Vitamins selected by Industry for employee Health, Value and Quality," "This is Your Order Form," "East Vitamins Will Help Your Employees Maintain Good Health," "A Recent Newspaper Editorial," "A Reader's Digest Reprint How to Prolong the Prime of Life," "Read What the Wall Street Journal Has to Say About Vitamins," "Dear Friends: So many folks have asked . . .," "This Certificate Worth \$1.00," and "Order Form . . . Geriatric Formula."

RESULTS OF INVESTIGATION: The accompanying labeling had been prepared by the dealer and used in promoting sales of the articles.

LIBELED: 7-29-60, W. Dist. N.Y.

CHARGE: Special 10 with B₁₂, 403(a)—while held for sale, the accompanying labeling contained false and misleading representations that the article would furnish balanced nutrition and that it contained more than the minimum adult daily requirement of all the important vitamins; that the food supplies generally available and as consumed were incapable of meeting all requirements for essential vitamins; and that most people required vitamin supplementation of the normal diet.

Geriatric Formula, 403(a)—when shipped and while held for sale, the labeling of the article contained false and misleading representations that the "Potassium * * * need in human nutrition has not been established," that the nutritional requirements for people of old age are different from those of adults generally, and that a so-called "vitamin B-T" is essential for human beings; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content and its label failed to bear as required by regulations, the statement "The need for choline and inositol in human nutrition has not been established."

The libel alleged also that both articles were misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7208.

DISPOSITION: On 9-12-60, the claimant, Main Electric Co., Inc., d/b/a East Vitamins, Rochester, N.Y., having consented, the court entered a decree of condemnation, and the articles were released under \$5,000 bond to the claimant for the purpose of bringing the articles into compliance with the law.

On 10-9-61, a motion was filed by the Government for forfeiture of the bond on the grounds that the claimant violated the terms of the decree and bond in that it failed to retain intact the entire lot of seized goods and seized literature, and disposed of the seized vitamins and a portion of the literature without notification to or authorization by the Department of Health, Education, and Welfare.

On 5-31-62, after a hearing and in accordance with the court's findings of fact and conclusions of law, judgment was entered, pursuant to which the \$5,000 bond was declared forfeit because claimant failed to abide by the conditions of the bond; \$4,000 of the forfeiture was remitted because of the lack of evil intent by the claimant to violate the conditions of the bond; and the Government was granted a \$1,000 money judgment.

29000. Vitamins, minerals, and other preparations. (F.D.C. No. 45006. S. Nos. 35-196 R, 35-200 R, 35-209/10 R, 35-212 R.)

QUANTITY: 13 100-tablet btl. of vitamin E, 1 100-tablet btl. of One Daily small multiple vitamins, 4 100-tablet btl. of therapeutic vitamins and minerals, 4 60-tablet btl. of super potency vitamins and minerals, 2 90-capsule btl. of Prenatal capsules at New York, N.Y., in possession of Textile Mart, Inc., or the related firms, Jay Norris Co. and Norris Nutritions.

SHIPPED: Between 7-8-60 and 10-18-60, from Elizabeth, Jersey City, and Newark, N.J.

LABEL IN PART: "Vitamin E" (formula 866 and 867), "Therapeutic Vitamins & Minerals" (formula 852), "Super Potency Vitamins & Minerals" (formula 864), "Prenatal Capsules" (formula 859), "One Daily Small Multiple Vitamins" (formula 853).

ACCOMPANYING LABELING: Booklets entitled "Norris Wholesale Vitamin Catalog #606V."